THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.23823 of 2006

Dated:18.12.2006

BETWEEN:

Darshanam Swamy.

… Petitioner

and

The Regional Commissioner and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.23823 of 2006

ORDER:

The petitioner is allegedly occupant of land admeasuring Acs.19.33 guntas in Survey No.288 along with two others situated at Puppalaguda Village of Rajendra Nagar Mandal in Ranga Reddy District. Admittedly the land originally belonged to Fakeeryar Jung, who migrated to Pakistan in 1947, and it appears, the land was allotted to a displaced person, by name Motilal Chandmal, the sixth respondent herein. He was, however, not in possession and the petitioner and his two brothers, by name Darshanam Ramaiah and Darshanam Eswaraiah, continued to be in occupation of the land. The former died on 05.01.2000 and Eswaraiah died on 18.04.1992. The petitioner, therefore, approached the fifth respondent requesting to mutate his name and the names of legal representatives of Ramaiah and Eswaraiah as cultivators in the revenue records. The Mandal Revenue Officer conducted an enquiry into the same and sent a report on 15.07.1998 to the third respondent requesting appropriate orders. It is also the case of the petitioner that allotment made to Motilal Chandmal was subsequently cancelled by letter bearing Lr.No.D3/608/1998, dated 04.09.1998, and in spite of the same, the orders were not communicated. The petitioner, therefore, filed the present Writ Petition seeking a writ of mandamus directing the fourth respondent to pass appropriate orders in file No.D3/608/1998, dated 04.09.1998.

The petitioner has annexed a copy of the letter addressed by the fifth respondent to the third respondent wherein it is mentioned as under.

> …On enquiry 1st noticed that the said land was allotted to one Sri Mothilal Chandumal a displaced person vide allotment order No.Hyd/66-A, dt.10-70 but physical possession of the land not handed over. The said matter earlier dealing in Collector, R.R.District file No.C4/2996/71. The said orders are not implemented, and village records shown as Evacuee property. The Regional Settlement, Commr, Bombay in his Letter No.RSC(B)/Land/R 10DISP/L&S/32-468-79/64, Dt.5-6-1964 addressed to the Collector, Hyderabad District instructions were issued to allot evacuee agricultural lands to the local tenants on payment of Rs.450/-, per Sq.St.Acre, who prepare to pay the amount along with lease amount of any due. In the instant case the occupants were not paid any be are amount.

The above observations do support the allegation of the petitioner that though initially land was allotted to the sixth respondent, it was cancelled and the allotment was not implemented. It also reveals that in the revenue records the land still continues to be shown as evacuee property. Therefore, the fourth respondent should immediately pass orders in the matter without further pendency as the matter has already been kept pending for more than eight years. Learned Assistant Government Pleader also does not dispute that the matter is still pending. Therefore, the fourth respondent may pass appropriate orders either accepting or rejecting the claim of the petitioner and others for registration as occupants of the land in Survey No.288 admeasuring Acs.19.33 guntas. This exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

18.12.2006
vs